

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Davies Communications Inc.)	File No.: EB-03-KC-031
Licensee of Radio Stations KBBE and KNGL in)	NAL/Acct. No. 200332560020
McPherson, Kansas)	FRN 0008-5372-92
)	

FORFEITURE ORDER

Adopted: October 21, 2003**Released: October 23, 2003**

By the Chief, Enforcement Bureau:

1. In this *Forfeiture Order* ("Order"), we issue a monetary forfeiture in the amount of three thousand dollars (\$3,000) to Davies Communications Inc. ("Davies"), licensee of KBBE and KNGL, McPherson, Kansas, for willful and repeated violation of Section 73.3526(a)(2) of the Commission's Rules ("Rules").¹ The noted violation involves failing to maintain all required material in the stations' public inspection files.

2. On April 7, 2003, the District Director of the Commission's Kansas City, Missouri Field Office ("Kansas City Office") issued a *Notice of Apparent Liability for Forfeiture* ("NAL") in the amount of \$3,000 to Davies.² Davies has not filed a response to the NAL. Based on the information before us, we affirm the forfeiture.

3. Finally, we note that it is unclear from the record before us what steps, if any, Davies has taken to correct the violations cited in the NAL and to ensure that these violations do not recur in the future. Accordingly, we will require, pursuant to Section 308(b) of the Communications Act of 1934, as amended, ("Act"),³ that Davies submit a report to the Enforcement Bureau within 30 days of the release of this order outlining what measures it has taken or will take to correct the violations and ensure that they do not recur. Davies' report must be submitted in the form of an affidavit or declaration.⁴

4. **ACCORDINGLY, IT IS ORDERED** that, pursuant to Section 503(b) of the Act,⁵ and Sections 0.111, 0.311 and 1.80(f)(4) of the Rules,⁶ Davies Communications Inc. **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of \$3,000 for willfully and repeatedly violating Section 73.3526(a)(2) of the Rules.

¹ 47 C.F.R. § 73.3526(a)(2).

² *Notice of Apparent Liability for Forfeiture*, NAL/Acct. No. 200332560020 (Enf. Bur., Kansas City Office, released April 7, 2003).

³ U.S.C. § 308(b).

⁴ Such affidavit or declaration should comply with Section 1.16 of the Rules, 47 C.F.R. § 1.16, and be substantially in the form set forth therein.

⁵ 47 U.S.C. § 503(b).

⁶ 47 C.F.R. §§ 0.111, 0.311, 1.80(f)(4).

5. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Rules within 30 days of the release of this *Order*. If the forfeiture is not paid within the period specified, the case may be referred to the Department of Justice for collection pursuant to Section 504(a) of the Act.⁷ Payment shall be made by mailing a check or similar instrument, payable to the order of the "Federal Communications Commission," to the Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482. The payment should note NAL/Acct. No. 2003325620020 and FRN 0008-5372-92. Requests for full payment under an installment plan should be sent to: Chief, Revenue and Receivables Operations Group, 445 12th Street, S.W., Washington, D.C. 20554.⁸

6. **IT IS FURTHER ORDERED** that, pursuant to Section 308(b) of the Act, Davies Communications Inc. must submit the report described in paragraph 3 no later than thirty (30) days from the date of release of this order to: Federal Communications Commission, Enforcement Bureau, Spectrum Enforcement Division, 445 12th Street, S.W., Washington, D.C. 20554, Attention: Jacqueline Johnson.

7. **IT IS FURTHER ORDERED** that a copy of this *Order* shall be sent by first class mail and certified mail return receipt requested, to Davies Communications Inc., P.O. Box 1069, McPherson Kansas 67460.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau

⁷ 47 U.S.C. § 504(a).

⁸ See 47 C.F.R. § 1.1914.